

AMENDED IN SENATE JANUARY 10, 2012

AMENDED IN SENATE JANUARY 4, 2012

AMENDED IN SENATE MARCH 23, 2011

## SENATE BILL

**No. 31**

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### Introduced by Senator Correa

December 6, 2010

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An act to amend Section 87406.3 of the Government Code, relating to the Political Reform Act of 1974.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 31, as amended, Correa. Postgovernment employment: restrictions.

The Political Reform Act of 1974 prohibits, for a period of one year after the official leaves his or her position, elected and other specified local officials who held positions with a local government agency, as defined, from acting as agents or attorneys for, or otherwise representing, for compensation, any other person, by appearing before, or communicating with, that local government agency, or any committee, subcommittee, or present member of that local government agency, or any officer or employee of the local government agency, if the appearance or communication is made for the purpose of influencing administrative or legislative action, as specified, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

This bill, in addition, would apply this prohibition to ~~local appointed officials~~ *other public officials serving as members of local governing boards or commissions with decisionmaking authority.*

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating an additional crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 87406.3 of the Government Code is  
2 amended to read:  
3 87406.3. (a) A local elected ~~or appointed~~ official, *general*  
4 *manager or* chief administrative officer of a *city or county, city*  
5 ~~manager, or~~ general manager or chief administrator of a special  
6 district, *or other public official serving as a member of a local*  
7 *governing board or commission with decisionmaking authority*  
8 who held a position with a local government agency as defined in  
9 Section 82041 shall not, for a period of one year after leaving that  
10 office or employment, act as agent or attorney for, or otherwise  
11 represent, for compensation, any other person, by making any  
12 formal or informal appearance before, or by making any oral or  
13 written communication to, that local government agency, or any  
14 committee, subcommittee, or present member of that local  
15 government agency, or any officer or employee of the local  
16 government agency, if the appearance or communication is made  
17 for the purpose of influencing administrative or legislative action,  
18 or influencing any action or proceeding involving the issuance,  
19 amendment, awarding, or revocation of a permit, license, grant,  
20 or contract, or the sale or purchase of goods or property.

(b) Subdivision (a) shall not apply to ~~any~~ *either of the following:*

(1) *An individual who is, at the time of the appearance or communication, a board member, officer, or employee of another local government agency or an employee or representative of a public agency and is appearing or communicating on behalf of that agency.*

(2) *An individual who is a member of a local governing board or commission that is solely advisory.*

(c) Nothing in this section shall preclude a local government agency from adopting an ordinance or policy that restricts the appearance of a former local official before that local government agency if that ordinance or policy is more restrictive than subdivision (a).

(d) Notwithstanding Sections 82002 and 82037, the following definitions shall apply for purposes of this section only:

(1) “Administrative action” means the proposal, drafting, development, consideration, amendment, enactment, or defeat by any local government agency of any matter, including any rule, regulation, or other action in any regulatory proceeding, whether quasi-legislative or quasi-judicial. Administrative action does not include any action that is solely ministerial.

(2) “Legislative action” means the drafting, introduction, modification, enactment, defeat, approval, or veto of any ordinance, amendment, resolution, report, nomination, or other matter by the legislative body of a local government agency or by any committee or subcommittee thereof, or by a member or employee of the legislative body of the local government agency acting in his or her official capacity.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 3. The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the

- 1 meaning of subdivision (a) of Section 81012 of the Government
- 2 Code.

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